

Docket No.: 066396-0059

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
: JACKSON, DAVID, et al. :  
: Serial No.: 10/628,044 : Group Art Unit: Not known  
: Filed: July 25, 2003 : Examiner: Not known  
: For: DIAGNOSING MALFUNCTIONING WHEEL ALIGNMENT SYSTEM

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date indicated below.

Date: September 4, 2003

Jessica Brown  
Jessica Brown

**DECLARATION OF MARC E. BROWN IN SUPPORT OF PETITION TO CORRECT  
FILING DATE UNDER 37 C.F.R. 1.10(d)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Marc E. Brown, declare:

1. I am registered to practice before the U.S. Patent and Trademark Office, registration number 28,590.
2. I am a partner of the law firm of McDermott, Will & Emery, 2049 Century Park East, Los Angeles, CA 90067.
3. On July 25, 2003, I reviewed the application identified in the caption of this declaration, including its drawings and formal papers, and signed these papers as Applicant's

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attorney. This included the cover letter to the Commissioner of Patents, which was correctly dated July 25, 2003, and bore the Express Mail Certificate number EV313253219US. A copy of this cover letter is attached as Exhibit A. In the early afternoon of July 25, 2003, I delivered the signed application and related papers to my assistant and paralegal, Jessica Brown, for filing on that day.

4. On August 6, 2003, I received a copy of the return postcard from the United States Patent and Trademark Office for this application, a copy of which is attached as Exhibit B. The postcard was stamped with the erroneous filing date of July 26, 2003.

5. I initiated an investigation into this matter.

6. As part of this investigation, I learned that the United States Postal Service had erroneously marked the "Date in" and the "Time in" on the Express Mail receipt as July 26, 2003, at 12:30 a.m., a copy of which is attached as Exhibit C.

7. As a further part of this investigation, I spoke with Kim Ricard, the Station Manager of the U.S. Post Office branch that was responsible for picking up from our Express Mail Drop Box (the "Village Station Post Office," located at 11000 Wilshire Blvd., Los Angeles, CA 90024).

7. Ms. Ricard reviewed her records while I was speaking to her. Ms. Ricard told me that her records showed that the pickup from our Express Mail Drop Box was made late on July 25, 2003 (at 4:01 p.m., instead of at 3:00 p.m.) and that this late pickup caused the material that was picked up late by the Post Office to be erroneously marked by the Post Office with the "Date in" of July 26, 2003, and the "Time in" of 12:30 a.m.

8. As a further part of this investigation, I directed my staff to obtain further

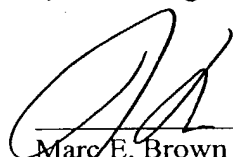
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evidence regarding this matter.

9. I promptly prepared this Petition and its related Declarations when this investigation was complete.

I hereby declare that all statements made in this declaration of my own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed by me on this 4<sup>th</sup> day of September 2003, at Los Angeles, California.



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Reg. No. 28,590

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